



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of

Confirmation No. 4331

Koji YANAI et al.

Docket No. 2001-1611

Serial No. 09/990,385

Group Art Unit 1652

Filed November 23, 2001

Examiner R. Hutson

β -FRUCTOFURANOSIDASE AND ITS
GENE, METHOD OF ISOLATING
 β -FRUCTOFURANOSIDASE GENE,
SYSTEM FOR PRODUCING
 β -FRUCTOFURANOSIDASE, AND
 β -FRUCTOFURANOSIDASE VARIANT

DEPOSIT DECLARATION

Assistant Commissioner for Patents,

Alexandria, VA

Sir:

Meiji Seika Kaisha, Ltd., Assignee of record of the above-identified application, by its undersigned duly authorized representative, hereby declares:

That novel mold fungus *Aspergillus niger* NIA1602 has been deposited at the National Institute of Bioscience and Human-Technology, Ministry of International Trade and Industry of Japan, Higashi 1-1-3, Tsukuba City, Ibaraki Pref., Japan on March 6, 1997 under the Budapest Treaty, as deposit No. FERM BP-5853;

That the depository affords permanence of the deposit and ready accessibility thereto by the public if a patent is granted;

That access to the deposit during the pendency of the above-identified application to one

determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122 is hereby assured;

That all restrictions on the availability of the deposit to the public will be irrevocably removed upon the granting of the U.S. Patent on the above-identified application;

That each deposit shall be stored by the depository, with all the care necessary to keep it viable and uncontaminated, for a period of at least five years after the most recent request for the furnishing of a sample of the deposit was received by the depository, or for a period of at least 30 years after the date of the deposit, or for the effective life of the U.S. Patent, whichever is longest; and

That the Assignee acknowledges its duty to replace any such deposit should the depository be unable to furnish a sample when requested due to the condition of the deposit.

That the undersigned is authorized to execute this agreement on behalf of the Assignee.

The undersigned declares further that all statements made herein of his own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 8, 2003

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